IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. No. 1931 of 2006 (O&M)
DATE OF DECISION : 21.09.2006

Amrik Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Ms. Satpreet G. Kapila, Advocate,
for the petitioner.

* * *

Petitioner Amrik Singh has filed this revision petition against the judgment dated 7.9.2006, passed by Addl. Sessions Judge, Hoshiarpur, whereby his conviction under Sections 304-A and 279 IPC recorded by Sub Divisional Judicial Magistrate, Dasuya has been affirmed.

2. The petitioner was tried in case FIR No. 128 dated 12.10.1996 registered at Police Station Dasuya under Sections 279/304-A IPC. The trial court vide judgment and order dated 14.7.2004 convicted and sentenced the petitioner to undergo rigorous imprisonment for one year and six months and to pay a fine of Rs. 500/- under Section 304-A IPC and rigorous imprisonment for six months and to pay fine of Rs. 200/- under Section 279 IPC. In appeal, conviction of the petitioner has been upheld. However, the sentence of rigorous imprisonment has been reduced from one year and six months to nine months under Section 304-A IPC and from six months to four months under Section 279 IPC. Hence, this revision petition.

3. I have heard counsel for the petitioner and gone through the judgments passed by both the Courts below.

4. As per the allegations in the FIR, due to rash and negligent

driving of bus by the petitioner, one passenger travelling on the roof top of the bus, has died.

5. Counsel for the petitioner contends that the petitioner was not negligent in driving the bus, rather it was the deceased who himself took the risk of travelling by sitting on the roof top of the bus. I do not find any substance in the contention of learned counsel for the petitioner. It has been established from the evidence of the prosecution witnesses that the petitioner had asked the complainant and other passengers, including deceased Geja Singh, to go and sit on the roof top as there was rush inside the bus. It has also come in evidence that the petitioner had taken the bus to the extreme katcha portion of the road, due to which over-hanging branches of tree standing on the side of the katcha road struck at the head of deceased Geja Singh, which resulted into his death. The appellate court has also observed that identity of the petitioner has been duly established.

6. In view of the above, I do not find any illegality or infirmity in the impugned judgment, passed by the appellate court. In my opinion, no case for interference is made out.

7. Dismissed.

September 21, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**